

REMARKS

Claims 1-14 remain pending in the application.

Claim 1 over Liu

In the Office Action, claim 1 was rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,289,218 to Liu ("Liu"). The Applicants respectfully traverse the rejection.

Claim 1 recites a wireless piconet network device comprising a piconet front end.

The Examiner cites Liu as 'inherently' including a piconet front end. (Office Action at 2)

Under the doctrine of necessary inherency, anticipation may be established when a single prior art reference fails to disclose the claimed invention ipsissimis verbis, but the natural and invariable practice of the reference would necessarily inherently meet all the elements of the claim. See, e.g., Verdegaal Bros., Inc. v. Union Oil Col. of Cal., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987); In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); Tyler Refrigeration v. Kysor Indus. Corp., 777 F.2d 687, 227 USPQ 245 (Fed. Cir. 1985); Ethyl Molded Products Co. v. Betts Package Inc., No. 85-111 1032 (D.C.E.D. Kent. 1988). The doctrine of inherency is available only when the inherency can be established as a certainty; probabilities are not sufficient. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981); In re Chandler, 254 F.2d 396, 117 USPQ 361 (CCPA 1981); Ethyl Molded Prod. Co. at 1032.

Liu neither explicitly nor 'inherently' discloses a wireless piconet front end, as a piconet front end is not a certainty from any of Liu's disclosure.

Claim 1 further recites a passcode or PIN selection module associating a passcode or PIN with both said unique address and at least one other unique address associated with another wireless piconet network device.

Liu fails to disclose the use of any PIN code associated with more than one unique address, as claimed by claim 1.

Moreover, claim 1 requires that the passcode or PIN have a second bit-length much shorter than the first bit-length.

Liu fails to disclose a PIN code at all, much less a shortened PIN code as claimed by claim 1.

For at least all the above reasons, claim 1 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 3 and 6 over Liu and Mauney

Claims 2, 3 and 6 were rejected under 35 USC 103(a) as allegedly being obvious over Liu in view of U.S. Pat. No. 6,484,027 to Mauney et al. (“Mauney”).

Claims 2, 3 and 6 require a piconet front end.

The Examiner appears to rely on the earlier allegedly ‘inherent’ feature of a piconet front end disclosed by Liu in reading the base reference of Liu on Claims 2, 3 and 6. However, the use of inherency at all is entirely improper with respect to a section 103 rejection. The concept of inherency has no place in determinations of obviousness under section 103, as opposed to anticipation under section 102, because “it confuses anticipation by inherency, i.e., lack of novelty, with obviousness, which, though anticipation is the epitome of obviousness, are separate and distinct concepts.” Jones v. Hardy, 727 F.2d 1524, 1529, 220 USPQ 1021, 1025 (Fed. Cir. 1984); See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775-76 (Fed. Cir. 1983)

The foundation for the section 103 rejection of claims 4 and 6-9 being improperly based on an allegedly inherent feature of Liu, it is respectfully requested that the improper rejection be withdrawn.

Claims 2, 3 and 6 further recites a passcode or PIN selection module associating a passcode or PIN with both said unique address and at least one other unique address associated with another wireless piconet network device.

Mauney fails to disclose us of a shortened PIN code associated with more than one unique address, as claimed. As described earlier with

respect to a prior rejection, Liu also fails to disclose such a shortened PIN code. Thus, the combination cannot be properly deemed to disclose use of a PIN as claimed by claims 2, 3 and 6.

Moreover, claim 1 requires that the passcode or PIN have a second bit-length much shorter than the first bit-length.

Neither Liu nor Mauney disclose, teach or suggest the use of a PIN associated with more than one unique addresses as claimed, much less a shortened PIN code length as claimed by claims 2, 3 and 6.

Mauney teaches nothing more than the use of a 1-to-1 find list. No device used in Mauney establishes a network at all, much less a piconet. The disclosed devices used in Mauney are handsets capable of 1-to-1 communication with one another (after using the disclosed find procedures).

Neither Liu nor Mauney discloses, teaches or suggests a piconet network at all, much less a piconet front end as disclosed by claims 2, 3 and 6.

For at least all the above reasons, claims 2, 3 and 6 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4 over Liu in view of Brown

Claim 4 was rejected under 35 USC 103(a) as allegedly being obvious over Liu over U.S. Pat. No. 6,366,622 to Brown et al. ("Brown").

Claim 4 is dependent from claim 1 and therefore recites all the features that claim 1 recites. As discussed above, Liu fails to disclose a piconet front end at all, much less a passcode or PIN selection module associating a passcode or PIN with both a unique address and at least one other unique address associated with another wireless piconet network device, or a PIN code associated with more than one unique address, or a PIN having a second bit-length much shorter than a first bit-length, all as claimed by claim 4.

For at least all the above reasons, claim 4 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 5 over Liu

Claim 5 was rejected under 35 USC 103(a) as allegedly being obvious over Liu. The Applicants respectfully traverse the rejection.

The Examiner indicates that claim 5 is rejected as Liu is applied to claim 1 in the earlier rejection. That rejection of claim 1 required an allegation of an 'inherent' feature of Liu.

As discussed above, it is firmly established that 'inherency' has no place in a rejection under section 103.

It is respectfully submitted that this rejection is improperly based on an allegedly 'inherent' feature of Liu. Therefore it must be withdrawn.

Claims 7 and 11 over Liu in view of Mauney

Claims 7 and 11 were rejected under 35 USC 103(a) as allegedly being obvious over Liu in view of Mauney.

Claims 7 and 11 require the important feature of associating a single PIN with a plurality of unique piconet network addresses.

Neither Liu nor Mauney disclose, teach or suggest **piconet** network addresses at all, much less associating a **single** PIN with a **plurality of unique** piconet addresses as recited by claims 7 and 11.

For at least all the above reasons, claims 7 and 11 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 8-10 and 12-14 over Liu in view of Mauney and Brown

Claims 8-10 and 12-14 were rejected under 35 USC 103(a) as allegedly being obvious over Liu in view of Mauney, and further in view of Brown. The Applicants respectfully traverse the rejection.

Claims 8-10 and 12-14 recite the important feature of associating a single PIN with a plurality of unique piconet network addresses.

As discussed herein above, Liu in combination with Mauney fails to disclose, teach or suggest use of a **piconet** network address at all, much less

use of a single PIN associated with a plurality of unique piconet network addresses as claimed by claims 8-10 and 12-14.

The Examiner cites Brown to allegedly teach the general use of BLUETOOTH functionality. The Applicants agree that BLUETOOTH functionality is known, as discussed in the present specification, e.g., at page 1, line 29. The present invention relates to the implementation and use of a single PIN associated with a class of unique piconet network addresses. None of the cited art discloses, teaches or suggests such use of a PIN at all, much less in a piconet network as disclosed.

For at least all the above reasons, claims 8-10 are patentable over the prior art of record.. It is therefore respectfully requested that the rejections be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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